

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARTIN J. WALSH,

*Secretary of Labor,*¹

Plaintiff

v.

EAST PENN MANUFACTURING
CO., INC.,

Defendant

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CIVIL ACTION

No. 18-1194

ORDER

AND NOW, this 17th day of August, 2021, upon consideration of East Penn's Motion for Summary Judgment on East Penn's Good Faith Defense to Liquidated Damages and Plaintiff's Willfulness Claim (Doc. No. 155), the Secretary's Response in Opposition (Doc. No. 175), and East Penn's Reply in Further Support of its Motion (Doc. No. 190);

East Penn's Motion for Summary Judgment on Employees Who: Were Not Among the Eight Facilities Dr. Radwin Studied; Work Outside of Pennsylvania; Do Not Wear a Uniform and Shower; or Are Continuous Operations Employees in the Metals Division (Doc. No. 156), the Secretary's Response in Opposition (Doc. No. 174), and East Penn's Reply in Further Support of its Motion (Doc. No. 192);

The Secretary's Motion for Partial Summary Judgment (Doc. No. 161) and Supporting Documents (Doc. Nos. 157, 158, 159, 160), East Penn's Response in Opposition (Doc. No. 176), and the Secretary's Reply in Further Support of his Motion (Doc. No. 191);

¹ Pursuant to Federal Rule of Civil Procedure 25(d), the latest Secretary of Labor, Martin J. Walsh, is substituted for Eugene Scalia as the plaintiff in this action.

East Penn's Notice of Filing Exhibit 1007 (Doc. No. 193), the Secretary's Motion to Strike East Penn's Exhibit 65 and Exhibit 1007 (Doc. No. 198), and East Penn's Response in Opposition to the Motion (Doc. No. 202);

East Penn's Notice of Supplemental Authority (Doc. No. 223), the Secretary's Motion to Strike East Penn's Notice of Supplemental Authority (Doc. No. 231), East Penn's Response in Opposition to the Motion (Doc. No. 233), and the Secretary's Reply in Further Support of his Motion (Doc. No. 234);

The Secretary's Notice of Second Revised Schedule A (Doc. No. 250), East Penn's Motion to Strike the Secretary's Notice of Filing Second Revised Schedule A (Doc. No. 251), the Secretary's Response in Opposition to the Motion to Strike (Doc. No. 253), and East Penn's Reply in Further Support of its Motion to Strike (Doc. No. 255);

East Penn's Second Notice of Supplemental Authority (Doc. No. 238), the Secretary's Response to East Penn's Notice (Doc. No. 241), East Penn's Reply in Further Support of its Second Notice of Supplemental Authority (Doc. No. 243), the Secretary's Notice of Supplemental Authority (Doc. No. 244), East Penn's Response to the Secretary's Notice of Supplemental Authority (Doc. No. 246), East Penn's Third Notice of Supplemental Authority (Doc. No. 271), and the Secretary's Response to East Penn's Third Notice of Supplemental Authority (Doc. No. 272); oral argument held on October 8, 2020; and for the reasons set forth in the accompanying Memorandum, it is **ORDERED** that:

1. East Penn's Motion for Summary Judgment on East Penn's Good Faith Defense to Liquidated Damages and Plaintiff's Willfulness Claim (Doc. No. 155) is **DENIED**.
2. East Penn's Motion for Summary Judgment on Employees Who: Were Not Among the Eight Facilities Dr. Radwin Studied; Work Outside of Pennsylvania; Do Not Wear a Uniform

and Shower; or Are Continuous Operations Employees in the Metals Division (Doc. No. 156) is **GRANTED IN PART** and **DENIED IN PART**.

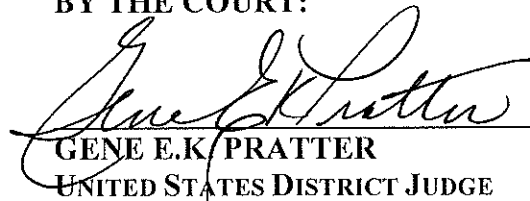
3. The Secretary's Motion for Partial Summary Judgment (Doc. No. 161) is **GRANTED IN PART** and **DENIED IN PART**.

4. The Secretary's Motion to Strike East Penn's Exhibit 65 and Exhibit 1007 (Doc. No. 198) is **DEEMED MOOT**.

5. The Secretary's Motion to Strike East Penn's Notice of Supplemental Authority (Doc. No. 231) is **DENIED**.

6. East Penn's Motion to Strike the Secretary's Notice of Filing Second Revised Schedule A (Doc. No. 251) is **GRANTED**.

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE